

US Serial No.: 10/755,524

RECEIVED
CENTRAL FAX CENTER
JUL 24 2006

Remarks/Arguments

Claims 1-4, 8-15 and 17-24 are pending. Claims 1, 15, 21 and 24 are amended as noted above. Support for these amendments is found in the application (and provisional application also for that matter) and claims as filed, which are made to more particularly point out and define the subject invention to overcome cited art of record. No new matter is believed added by any of the amendments made here. Reconsideration and allowance of this application is requested in view of the amendments above and remarks below.

Herewith is an Applicant Initiated Interview Form, completed to reflect the nature and results of our June 22, 2006 Telephone Interview. Although the Form indicates no agreement was reached, with the Examiner's helpful assistance insights were gained and hopefully the amendments made here will now establish the patentability of the claimed invention. The Examiner's assistance is noted with appreciation. Also, per the Examiner's request, the undersigned confirms that the word "orifices" is part of the filed specification and thus has clear support for use in the claims.

Claim Rejection – 35 USC 102

Claims 1-4, 8-15 and 17-24 have been rejected under 35 USC 102(b) as being anticipated by *Ward* (US 6,203,232). This rejection is **traversed** as moot, insofar as it even applies to the now presented claims. It is well established under the patent laws that there can be no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function.

Particularly, neither *Ward*, alone or in combination with any of the patents of record (assuming such a combination is proper, which Applicant assert is not proper based on the teaching in *Ward* and the other art of record), teaches or suggests the now recited combination of features of Applicant's invention, which includes *inter alia*:
[a][i.e., for claim 1] at least two openings in the plate, each opening wholly contained within the front and back faces so as to not intersect with the side edges, and the at least two openings consisting of only a single row of slots and the slots have a length extending parallel to the length direction of the plate, or [b] [i.e., for claim 15] at least

US Serial No.: 10/755,524

one pair of orifices in the plate associated with and on opposite sides of each slot and with the orifices extending between the front and back faces so as to form the orifices completely through the plate, the pair of orifices located adjacent opposite side edges of the plate along the length of the plate so as to form a weakened zone widthwise and associated with and on opposite sides of each slot for bending the plate along the weakened zone, or [c] [i.e., for claim 24] the combination of [a] and [b].

For at least the features [a], [b] and [c] noted above, *Ward* lacks such elements, and in fact, based on the teachings of *Ward*, one of ordinary skill in the art would not be properly motivated to modify *Ward* to obtain Applicant's now recited invention. *Ward* requires multiple rows of slots 4, and more importantly the resulting tapered teeth or prongs 3 formed thereby, to attain the required bonding strength for joining wood truss members and thus achieving its desired functions. Additionally, there is no, and can be none as per *Ward*, pair of orifices associated with each slot, because *Ward* is a calibrated plate and such pair of orifices associated with each slot would be contrary to the calibrated function of *Ward*. Rather, *Ward* teaches only a pair of "calibrated notches 5" across from each other on each opposite side of each edge of the plate and along the center axis of each side in order to attain the desired bonding strength of the plate when properly located across two wood trusses. Still further, not only does *Ward* lack at least these features, but insofar as *Ward* does include slots and orifices, they are united in a different way and they achieve a much different bracket structure. Accordingly, for at least these reasons *Ward* cannot (and does not) anticipate Applicant's recited invention. Thus, the rejection of independent claims 1, 15 and 24, as well as their respective dependent claims for at least the same reasons, based upon *Ward* is respectfully requested to be withdrawn.

Additionally, claims 14 and 19 recite a combination of orientations for the orifices and openings that is clearly absent from *Ward*. For at least these additional reasons *Ward* cannot (and does not) anticipate Applicant's recited invention in claims 14 and 19.

Still further, claim 21 as now amended, and its dependent claims 22-24, recite features that are absent from *Ward*, and such would be contrary to its teachings. For at

US Serial No.: 10/755,524

least these additional reasons *Ward* cannot anticipate Applicant's recited invention in these dependent claims.

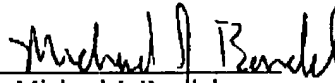
In conclusion, Applicant respectfully submits that the rejections to the application have been accommodated, traversed and/or rendered moot. Accordingly, the application is believed to be in condition for allowance and such action is requested in due course.

If there are any questions or a need for clarification on a point, the Examiner is invited to contact the undersigned by telephone or other convenient means to try and quickly resolve the same.

Respectfully submitted,

JOHN F. BENTLY

Dated: July 24, 2006

By: 
Michael J. Bendel
Attorney for Applicant

402 East Carrington Lane
Appleton, WI 54913
920-731-4131